



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 20 2020

UNITED PARCEL SERVICE

Mr. Daniel J. Danowski
Zurn Industries, LLC
5900 Elwin Buchanan Drive
Sanford, North Carolina 27330

Re: Opportunity to Show Cause
Violation of Federal Insecticide, Fungicide and Rodenticide Act

Dear Mr. Danowski:

The U.S. Environmental Protection Agency has reason to believe that Zurn Industries, LLC (Zurn Industries) may have violated provisions of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), 7 U.S.C. § 136 *et seq.*, as set forth below.

On or about March 28, 2016 and April 1, 2016, an authorized representative of the EPA conducted an inspection at Zurn Industries located at 5900 Elwin Buchanan Drive, Sanford, North Carolina to determine compliance with FIFRA. The inspection revealed that Zurn Industries appeared to have sold and distributed unregistered pesticides called "EcoVantage Commercial Fixtures with SilverShield Antimicrobial Glaze."

As set forth in Section 2(u) of FIFRA, 7 U.S.C. § 136(u) and 40 CFR § 152.3, a "pesticide" is defined as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or for use as a plant regulator, defoliant or desiccant. A pest is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the EPA declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).

Pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), it is unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under Section 3. Pursuant to 40 CFR § 152.25(a), articles or substances treated with or containing a pesticide to protect the article or substance itself, are exempt from FIFRA regulation if the pesticide is registered for such use. However, any pesticide-treated (including silver-treated) product that qualifies for the treated-article exemption must not make potential public health claims, such as "fights germs, provides antibacterial protection, or controls fungus ...," as well as unqualified "antimicrobial" claims.

At the time of the above-referenced inspection, Zurn's products and brochure made pesticide claims (public health and unqualified antimicrobial claims) including, but not limited to, those claims identified below, in addition to several other pesticide claims observed on Zurn's website. The EPA recently confirmed that Zurn continues to make those pesticide claims about the above-referenced products.

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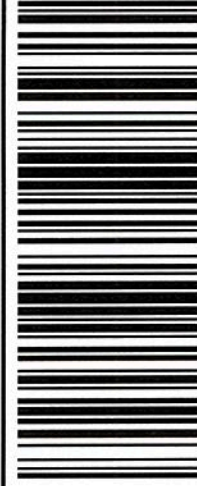

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Reference # 1: R4 MAILROOM		 <small>CS 22 011. WNTNV50 83.0A 12/2019</small>			